

**REMARKS**

Reconsideration is respectfully requested in light of the foregoing Amendments and the Remarks that follow.

Claims 22-37 are pending in the application, with claims 22 and 30 being the independent claims. Claims 1-21 are canceled. These changes are believed to introduce no new matter, and their entry is respectfully requested.

**Information Disclosure Statement**

Applicant respectfully submits, filed concurrently herewith, an Information Disclosure Statement (IDS) which includes all of the references of which the applicant is currently aware, including: i) the cited references from the above cross-referenced patent applications, and ii) the office actions, including the detailed actions, from the above cross-referenced patent applications. While applicant does not stipulate that the submission of the actions is required by the Office (See MPEP 2001.06(b)), applicant respectfully provides the actions in order to expedite the examination of the present application, and to facilitate an efficient exchange of information with the Office.

**Substitute Declaration and Power of Attorney**

Applicant respectfully submits a Substitute Declaration and Power of Attorney executed by the sole inventor. This substitute declaration is entered to clarify any ambiguity in the originally filed declaration, and to ensure effectiveness in light of the current amendments. If the Office has any concerns or comments with regard to this document, the Office is invited to telephone the undersigned at the number provided.

### **Amendments to the Specification**

At ¶ 1, the Office Action presents an objection to the title as not descriptive. Applicant has amended the title, as presented above, and respectfully requests that this amendment be accepted. If the Examiner does not think that this title is descriptive, then applicant invites the Examiner to provide an alternative title at his convenience.

In addition, applicant respectfully provides correction to the priority and cross-reference to related applications which is in accord with the IDS filed concurrently herewith.

Applicant respectfully submits amendments to page 20 which correct a typographical error with respect to Fig. 7.

With the entry of these amendments, applicant respectfully submits that all of the objections to the specification have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider these objections and that they be withdrawn.

### **Objections to the Claims**

At ¶ 2, the Office Action objects to an informality in claim 10. Applicant respectfully submits that claim 10 has been canceled, and otherwise that in the newly submitted claims care has been taken to present proper grammatical phrases.

With the entry of these claim amendments, applicant respectfully submits that all of the claim objections have been properly accommodated or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider these objections and that they be withdrawn.

**Rejection under 35 USC § 112 ¶ 1**

At ¶ 4, the Office Action rejected, under 35 U.S.C. 112, first paragraph, claim 21 for failing to comply with the enablement requirement. Applicant respectfully submits that claim 21 has been canceled, and otherwise that in the newly submitted claims care has been taken to present enabled matter.

With the entry of these claim amendments, applicant respectfully submits that the claim rejection has been properly accommodated or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider this rejection and that it be withdrawn.

**Rejection under 35 USC § 112 ¶ 2**

At ¶¶ 6-8, the Office Action rejected, under 35 U.S.C. 112, second paragraph, claims 1-21 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicant respectfully submits that claims 1-21 have been canceled, and otherwise that in the newly submitted claims care has been taken to particularly point out and distinctly claim the subject matter of the invention.

With the entry of these claim amendments, applicant respectfully submits that all of the claim rejections have been properly accommodated or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider these rejections and that they be withdrawn.

**Rejection under 35 USC § 102**

At ¶ 10, the Office Action rejected, under 35 U.S.C. § 102(b), claims 1-6, 8-11 and 15-21 as being anticipated by US Patent No. 5,422,953 A to Fischer.

Applicant respectfully submits that this rejection has been rendered moot or is accommodated by the above-entered amendments. Furthermore, as the amended claims are also submitted to clarify the claimed invention, and not in response to the applied or cited references, applicant respectfully traverses this rejection in the follow discussion. Finally, applicant respectfully submits that the Office Action has not provided a prima facie case for anticipation.

Specifically, Fischer describes a system that associates time with identity, and not the content of a file. See Fischer, col. 6, lns. 22 - 65. According to Fischer, the controller of the identity has control over the clock and any content authentication processes. See Fischer, col. 5, lns. 1-30. Applicant respectfully submits that this teaching is contrary from that of the present invention, where such control over the clock would render the resulting content untrustable.

With respect to the independent claim 22, Fischer does not teach a means for saving the file at a moment in time; a means for retrieving from the trusted time source a data and a time corresponding to the moment in time, and a means for saving the file with the certificate appended thereto. Therefore, Fischer is limited to where an electronic notary function serves as witness to the identity of someone presenting a document. See Fischer, col. 7, lns. 20-42. The present invention, according to the embodiments discussed therein, provides trust in the content, and operates to maintain that trust irrespective of the identity seeking a date and a time. See Specification, pg. 19, ln. 22 - pg. 20, ln. 5.

For at least the above reasons, applicant respectfully submits that claims 22-37 are believed to be patentable over Fischer. Furthermore, while only independent claim 22 has been specifically discussed, the other independent claims, as well as the claims depending from the independent claims are believed to be allowable for at least the reasons described above, and further in view of their own respective features. Withdrawal of the rejection is respectfully requested.

### **Rejections under 35 USC § 103**

The Office Action presents obviousness rejections in three (3) distinct combinations. They are as follows:

- A. Claim 7 is rejected as being unpatentable over Fischer in view of US Patent No. 5,910,988 A to Ballard.
- B. Claims 12-13 are rejected as being unpatentable over Fischer in view of US Patent No. 6,209,090 B1 to Aisenberg et al. (hereinafter “Aisenberg”).
- C. Claim 14 is rejected as being unpatentable over Fischer in view of US Patent No. 5,970,146 A to McCall et al. (hereinafter “McCall”).

Applicant respectfully submits that these rejections have been rendered moot or are accommodated by the above-entered amendments. Furthermore, as the amended claims are also submitted to clarify the claimed invention, and not in response to the applied or cited references, applicant respectfully traverses these rejections in the follow discussion. Finally, applicant respectfully submits that the Office Action has not provided a prima facie case for obviousness in these three combinations.

Referring to the above-discussed Fischer, applicant respectfully submits that the deficiencies of Fischer prevent the establishment of any of the above combinations. With respect to the rejection of the claims with the combinations involving Fischer, listed as A-C above, applicant respectfully traverses these rejections in light of i) the current amendments to the claims; and ii) the above-stated distinctions between the claimed invention and Fischer. Withdrawal of these rejections is respectfully requested.

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn.

Application No.: 09/609,646

Docket No.: 32801-164818 (formerly 32801-888888)

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

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Respectfully submitted,

By

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